
**Thomas Jefferson to James Monroe, January 16,
1811, from Thomas Jefferson and James Monroe
Correspondence, Transcribed and Edited by Gerard W.
Gawalt, Manuscript Division, Library of Congress**

Thomas Jefferson to James Monroe

Monticello Jan. 16. 11.

Dear Sir

Since my last to you, the Directors of the Rivanna company have changed their minds, and instead of going through my canal they have determined to go through the bed of the river,; and it being a question between us, whether they or I must build & maintain the lock at my damn, which dam they must have built had I not done it, they have proposed a reference to arbitrators, to which I gladly consent, & leave to themselves the naming them. I must therefore pray you to return one the papers I inclosed you, as they will be to be laid before the arbitrators. I have lately also had an opportunity of seeing the two laws of 1792 & 1802 which had been stated to me as retrospective; but I find they are not so, and that they admit on the contrary, the validity of former grants of the bed of watercourses by a necessary implication. I had been afraid that a momentary inattention might have led our legislature to what I was sure they would no have done but by surprise. But yet I suspect that the just rights of riparian landholders have not yet been so well investigated & understood as they should be. The opening of the Rapahanoc will concern the rights of many adjacent landholders, and the legislative interposition there should establish the true principles, that the rights of this description of citizens may not be left at the mercy

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of uninformed Commissioners, who generally consider themselves as mere agents of the subscribers, and bound as an adversary party, to take every advantage in their power. I do not however impute this to the gentlemen in my case, whose proceedings with me have been fair & friendly. Ever yours' affectionately Th. Jefferson

P.S. Should judge Nelson be appd. Governor could not P. Carr be made his successor? His integrity & understanding all know, and having been once well read in the law, it would soon be refreshed. This reflection is solely my own.

FC (Jefferson Papers, Library of Congress)